

Claims 5-8, 13, 14, 20, and 25-30 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,245,396, in view of U.S. Patent No. 5,863,339. The filing of the above-mentioned Terminal Disclaimer also renders this rejection moot.

Claims 1, 2, 9, 10, 15-18, 21, 22 and 31 have been provisionally rejected under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims 1-23 of copending Application Serial No. 09/862,458. Claims 3, 4, 11, 12, and 19 have been provisionally rejected under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims 1-23 of copending Application No. 09/862,458, in view of U.S. Patent No. 4,792,378. And, claims 5-8, 13, 14, 20, and 25-30 have been provisionally rejected under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims 1-23 of copending Application No. 09/862,458 in view of U.S. Patent No. 5,863,339.

In view of the double patenting rejections based on copending Application Serial No. 09/862,458 a Terminal Disclaimer is submitted herewith, thus rendering each of those rejections moot.

As recognized by the U.S. Court of Appeals for the Federal Circuit in *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991), the filing of a Terminal Disclaimer is not an admission of obviousness of the later-filed claimed invention. The filing of the Terminal Disclaimer does not create a presumption or estoppel on the merits of the rejection.

There being no other rejections pending, the Examiner is respectfully requested to issue a Notice of Allowance.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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